

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2182 of 1988

with

CIVIL APPLICATION NO.6181 OF 1999.

with

SPECIAL CIVIL APPLICATION No 2183 of 1988

with

CIVIL APPLICATION NO.1136 OF 1999

WITH

CIVIL APPLICATION NO.1947 & 2092 of 1993.

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No.

THE MANAGING TRUSTEE/CHAIRMAN SHIKSHA
SAMITEE AND OTHERS

Versus

SHAKUNTALA DILIPBHAI DHARE

Appearance:

1. Special Civil Application No. 2182 of 1988

MR MC SHAH for Petitioner

MS DAXA R VYAS for Respondent No. 1

2. Special Civil ApplicationNo 2183 of 1988

CORAM : MR.JUSTICE M.S.SHAH
Date of decision: 02/08/1999

ORAL JUDGEMENT

1. Mr. M.C. Shah learned counsel for the original petitioners seeks leave to produce on record the original letters dated 31-7-99 from the Principal of the Municipal High School, Nadiad, instructing him to seek leave to withdraw the petitions and seeks leave accordingly.

2. Learned counsel for the contesting respondent/s original applicants before the Tribunal state that their respective clients have no objection to the petitions being permitted to be withdrawn, but in that case, their clients would be entitled to get all the benefits as per the judgment dated 21-3-88, of the Tribunal under the provisions of Secondary Education Act,1972 (hereinafter referred to as the Tribunal) in Application No.281/87, 473/87 and 808/87.

3. Having heard the learned counsel for the parties and having perused the judgment dated 21-3-88 granting the original applicants the benefits w.e.f. 16-8-85/ 10-7-86 as well as the order dated 12-1-98 of the Tribunal in Application No.273/94 and 274/94 giving the original applicants the benefits only w.e.f. 5-6-87 on account of the interim order passed by this Court in Civil Application No.1136/90, it is obvious that once the Special Civil Applications and Civil Applications are disposed of, the original judgment dated 21-3-88 of the Tribunal will operate and accordingly the petitioners will be entitled to get the benefits on that basis.

Further in case, there are any other disputes between the parties, it will be open to the concerned parties to approach the Tribunal for any appropriate directions.

4. Subject to the aforesaid clarifications, Special Civil Application No.2182/88 and 2183/88 are permitted to be withdrawn. Both the petitions i.e. Special Civil Application No.2182/88 and 2183/88 are disposed of accordingly. Rule is discharged in each of the petitions with no order as to costs.

5. Since the Special Civil Applications are disposed

of as withdrawn, the Civil Applications do not survive and the same are disposed of accordingly.

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